

### **REMARKS**

Claims 1-3, 5-14, 16-18, 20-32, 34-45, 47-60, 62-90, 103 and 104 are pending in this Application. Claims 1, 16, 30, 44, 60 and 103 are independent claims. By this Amendment, claims 4, 19, 33, 46 and 61 are cancelled without prejudice or disclaimer. Claims 1, 3, 6, 8, 16, 18, 21, 23, 30, 32, 35, 37, 44, 45, 47, 60, 62, 83, 103 and 104 are amended. Support for the claim amendments may be found at least at paragraphs [0033], [0037], [0038], [0040] and [0046] of the specification. Thus, no new matter is added.

### **Specification Objections**

The specification is objected to for allegedly failing to provide proper antecedent basis for claimed subject matter in claims 60, 61, and 62 expressed in “means-plus-function” terms. Applicant refers the Examiner to review the specification for antecedent support including, for example, paragraphs [0047] and [0048].

### **Claim Objections**

Claim 83 is objected to due to informalities. Specifically, claim 83 is objected to for incorrectly identifying its base claim. Claim 83 is amended to address the error. Thus, withdrawal of the objections is respectfully requested.

### **Rejections under 35 U.S.C. §112**

Claims 3, 6-8, 10, 11, 13, 14, 16-29, 32, 35-37, 39, 40, 42, 45-49, 62, and 77 are rejected under 35 USC §112, second paragraph, for allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The rejection is respectfully traversed.

Regarding claims 3, 6, 8, 18, 21, 23, 32, 35, 37, 45, 47 and 62, it is alleged that the claims are indefinite because claim 3 recites “prohibit at least one operation of the software and operation of the machine using the software.” The Examiner alleges that it is unclear how Applicants intend for the machine to be prohibited from operating. Similar language in claims 6, 8, 18, 21, 23, 32, 35, 37, 45, 47 and 62 is also pointed out. The claims are amended in the manner suggested by the Examiner to overcome the rejection.

Regarding claim 16, it is alleged that the recitation of first and second code segments stored in a computer device of a user machine is indefinite because “it is unclear where the two code segments are being stored because they can be stored in the medium as evidenced by the preamble, or in the computer device as evidenced by the limitations of the body of the claim.” It is further alleged that to one of ordinary skill in the art the metes and bounds of the phrase cannot be reasonably determined. Claim 16 is amended to clarify the claimed subject matter, thereby overcoming the rejection.

Because the amended claims meet the requirements of 35 USC §112, second paragraph, withdrawal of the rejections is respectfully requested.

### **Rejections under 35 U.S.C. §103**

Claims 1-11, 16-26, 30-40, 44-49, 51-64, 66-90, 103 and 104 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication 2004/0205261 to Osada in view of U.S. Patent 6,708,157 to Stefik, et al. (Stefik). As claims 4, 19, 33, 46 and 61 are cancelled, the rejection of those claims is moot. The rejection of the remaining pending claims is respectfully traversed.

Osada relates to an image forming apparatus that has a license management module that acquires license information including an apparatus identification information specifying the apparatus and a program specifying information for specifying a program as a program to be executed at the start of the apparatus, from an external device. The image forming apparatus 100 is a multifunction printer (MFP) and includes a controller 101 that controls the overall operation of the MFP 100 (fax, printer, scanning functions). A control program that controls the controller 101 is stored in the ROM 203 or the DISK 204. As shown in FIG. 5, the main part of the software of the controller 101 includes a program management module 501, the start program identification module 502 and a license management module 503. The license management module 503 communicates with the operating section 106 or the communication section 102, and executes predetermined processes. Thus, Osada discloses using prepaid licenses for use of proprietary hardware (MFP) to allow a predetermined number of copies to be made. The license is managed by the license management module 503 that accesses the usage figures provided by a totalizing module.

Independent claims 1, 16, and 60 are amended to recite that the device is further adapted to check validity of the software license during at least one of start-up and shut-down of the machine based on an encrypted checksum. Although Osada discloses encrypting and decrypting license information 905, there is no disclosure that the license information includes an encrypted checksum. Moreover, in Osada the license information 905 is decrypted so that the software may be used by the licensee. In contrast, the encrypted checksum remains encrypted so as to not be useable or manipulated by the licensee to ensure compliance with the license.

Independent claim 30 is amended to recite preventing unauthorized change of information relating to the granting of the license. Osada fails to disclose or suggest such features.

Independent claim 44 is amended to recite entering into a stored file, date, time of day and identity of the designated machine for each use of the software; and examining validity of the software license during each shut-down of the machine by comparing the date, time of day and the identity of the designated machine for each use of the software with the stored file.

Osada fails to disclose or suggest such features. Thus, Osada fails to disclose or suggest the features as alleged in the Office Action. Moreover, Stefik fails to overcome the deficiencies of Osada.

Stefik relates to a system for controlling the distribution and use of digital works using a "digital ticket." The digital ticket is used to enable the ticket holder to exercise usage rights specifying the requirement of the digital ticket. For example, a digital ticket may be specified in a copyright of a digital work, so that exercise of the copyright requires the party that desires a copy of the digital work be in possession of the necessary digital ticket. After a copy of the digital work is successfully sent to the requesting party, the digital ticket is "punched" to indicate that a copy of the digital work has been made. When the ticket is "punched" a predetermined number of times, it may no longer be used. Thus, in contrast to the rejected claims, Stefik fails to disclose a device in the machine, adapted to locally grant a license for the number of prepaid uses of the software on the machine based upon the information stored in the storage medium. Rather, in Stefik, a copyright to a particular digital work is granted at the repository and the digital work is sent to the holder of the digital ticket at a remote location. Further, there is nothing in Stefik that discloses or suggests a device adapted to check validity of the software license during at least one of start-up and shut-down of the machine based on an encrypted checksum, or examining validity of the software license during each shut-down of the machine by comparing the date, time of day and the identity of the designated machine for each use of the software with the stored file.

Thus, the combination of references fails to disclose the claimed apparatuses, methods and computer readable media recited in the rejected claims. As the combination of references does not render the pending claims obvious, withdrawal of the rejection is respectfully requested.

Claims 12-14, 27-29, 41-43, 50 and 65 are rejected under 35 U.S.C. §103(a) as being unpatentable over Osada in view of Stefik and further in view of U.S. Patent 6,816,842 to Singh et al. (Singh). The rejection is respectfully traversed.

Claims 12-14, 27-29, 41-43, 50 and 65 are allowable for their dependency on their respective base claim, as well as for the additional features recited therein. As such, withdrawal of the rejection is respectfully traversed.

### CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of the pending claims in connection with the present application is earnestly solicited.

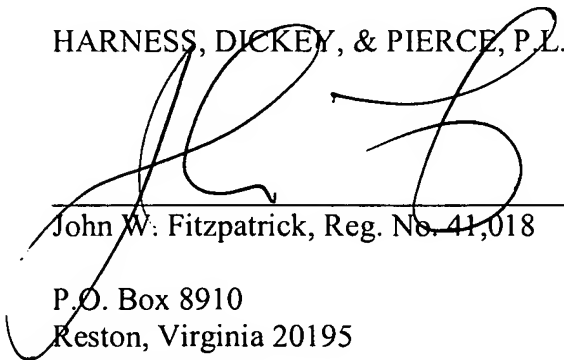
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John W. Fitzpatrick at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By

  
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